LAST EDITION.

TUESDAY EVENING.

divorce suit instituted by Lawrence C. Phipps. It is contended that there was never proper personal service on Mrs. Phipps and that there are errors

n the summons itself which render in the summons used which render it invalid. This pleading will serve to prolong the case a few days and will put off the time when Mrs. Phipps will have to file a pleading which

LAND LAWS.

Subject of Discussion at the Mining

Congress.

TOPEKA, KANSAS, AUGUST 23, 1904.

TUESDAY EVENING,

TWO CENTS.

PRESSING NEARER

The Japanese Are Slowly and Surely Closing In

On the Beleaguered Garrison of Port Arthur.

OCCUPY TAIPANGTZE.

Penetrate Along Railroad to
Gen. Stoessel's Residence.

Russians Concede That Ultimate
Capture Is Inevitable.

will have to file a pleading which will go into the merits of the case.

A motion attacking the service was argued once before Judge Mullins who found that there had been a proper service. The motion just filed is slightly different. It raises the point on another technicality and will go to the summons itself, questioning the make-up of the document.

London, Aug. 23.-3:35 p. m.-The Evening News this afternoon published a dispatch from Chefoo under today's date announcing that the Japanese captured "Chain fort" of the Port Arthur defenses yesterday, after a tre-

in the center of the chain of forts, of in the center of the chain of forts, of which it forms one, defending Port Arthur, from which it is only about a mile and a half distant. It occupies a mile and a half distant. It occupies a commanding position and possibly is only second in importance to the land laws.

the land laws.

F. H. Newell, chief engineer of the Golden hill forts.

It was announced from Chefoo Monday that the Japanese had swept the Russians from Pigeon bay and had captured the northernmost fort of the western line of inner defenses, though Antashan fort, about a mile northeast of Etsehan fort, might aid in ortheast of Etsehan fort, might aid in the public land laws are considerable distance have been fall swept of the state of the public land laws are considerable distance have been for the public land laws are considerable distance have been for advices brought here from Port Arthur by a junk, the Japanese were hotty pressing the Russian right in the yealing to advice brought here from Port arthur by a junk, the Japanese were hotty pressing the Russian right in the public land and have commissioners in the problem of the public land laws are considerable distance have been in the public land laws are considerable distance have been for a considerable distance have been for advices brought here from Port Arthur by a junk, the Japanese were hotty pressing the Russian right in the public land and the forts of the Russian right in the public land and the forts of the Russian right wing. The first problem of the public land laws are considerable distance have been lost and repairing tools with a junk and the forts of the Russian right wing. The first problem of the public land laws are considerable distance have been lost and goodle and anoth was completed. The commissioners in the country to communicate any state of the public land laws are considerable distance have been for seven feet. Telegraph poles for a considerable distance have been for a seven feet. Telegraph poles for a considerable distance have been from port the public land laws are considerable distance have been for seven feet. Telegraph poles for a considerable distance have been from the public land laws are considerable distance have been from the apparess when the public land laws are considerable distance have been feet. Telegraph pol

The straining of the course of idea of a general assault and settle down to regular siege operations. Starving out the garrison is less bril-liant but it is quite as effective a way of reducing a fortress. The Japanese purpose in rushing matters has doubt-less been to release a section of the southern army and enable it to cowith the armies in Man-

The naval critic of the Viedomo boidly expresses the opinion that the Port Arthur squadron would commit

Although a portion of Admiral Ouktomsky's salps are in fighting trim, in-cluding at least the Perseviet, Poltava, Sebastopol and Pallada, it would be futile to attempt to break through Admiral Togo's strong lines. The squad-ton would be lost without profit to Port Arthur. Ouktomsky would do Fort Arthur. Ouktomsky would do better to dismantle his guns and send the men ashore. This would reinforce General Stoessel to the extent of nearly seven heavy and four hundred light guns and 6,000 men. Then, if the worst comes, the ships could be sunk."

A semi-official journal, while paying a tribute to the heroic defenders of Poort Arthur. does not withhold praise.

Port Arthur, does not withhold praise for the extraordinary valor of the Jap-anese besiegers. It says: "Neither a rain of cannon shots, walls

of hayonets nor earth strewn with putrifying corpses can arrest their stubborn assaults."

State Department Cables Representatives in China.

There are a number of veiled intimations in both the newspaper dispatches from Liao Yang and at headquarters here that General Kuropatkin is preparing a diversion against General Kuroki, to prevent the dispatch of reinforcements to aid the attackers of

Pert Arthur.
The Novoe Vremya considers that the The Novoe Vremya considers that the question of China's attitude is very serious and contends that the Chinese are quite incapable of preserving neutrality adding: "How otherwise could Japanese warships enter Chinese posts at will? The idea that the United States is going to preserve the neutrality of China is an illusion. The Américan Torpedo boat destroyer Chauncey's pursuit of the Japanese torpedo boat turns out to have been a mere coincident."

hai, and Consul General Fowler at Chego.

Although no admission on that point is yet obtainable, it is believed that instructions have either been sent or will be sent to Rear Admiral Stirling to cooperate with the minister and the consult in the protection of American interests in the treaty ports.

Fort Totten Registration.

Grand Fork, N. D., Aug. 23.—Fif-

Stoessel Sends Farewell.

Grand Fork, N. D., Aug. 23.—Fif-teen thousand and seventy-six per-sons registered for claims on the Fort Totten Indian reservation. The draw-London, Aug. 23.—According to the coscow correspondent of the Morning ost, Lieutenant General Stoessel con-Moscow correspondent of the Morning Post, Lieutenant General Stoessel con-cluded a telegram to an intimate friend there with the words: "Farerell forever. Port Arthur will be my

Susan B. Anthony Returns, New York, Aug. 23.—Miss Susan B. Anthony arrived here from London on the Minnetonka.

Injunction Fails.

WANT THE FACTS.

MOTION TO QUASH. SANTA FE TIED UP Has Been Filed in the Phipps Divorce

Road Is Completely Blockaded Denver, Aug. 23.—Attorneys for Mrs. Genevieve Phipps have filed a motion in the district court to quash the service of the summons in the at Ash Fork, Ariz.

Six Hundred Feet of Track Has Been Destroyed.

BRIDGES ARE GONE.

Water Is Rushing Over Roadbed Seven Feet Deep.

All Trains for Both Directions at a Standstill.

Can't Be Sent Around by Phoenix Because of Floods.

Ash Fork, Ariz., Aug. 23 .- The flood of yesterday has caused the greatest mendous attack.

"Chain fort," according to the available maps of Port Arthur, is almost in the center of the chain of forts, of commanding position and possibly the land laws.

only second in importance to the only second in importance to the F. H. Newell, chief engineer of the tracks and great damage has occurred

pour yesterday afternoon evidently wrecked the temporary repairs.

Another severe washout has occurred at Yucca, a small station near Saligman, Arizona, where the flood of last week carried away a large bridge and the stone foundation weighing over 600 two cons. Train No. 2 from Los Angeles to Chicago managed to get over the temporary structure Monday afternoon city but now it is reported that a great voltage. In Case Their Application for an but now it is reported that a great volume of water is washing over the tracks. The Santa Fe officials who are now at Ashfork, have ordered a tieup Chicago, Aug. 23.—Arguments before Judge Brentano in connection with the injunction asked by the packers to restrain the city from interfering with the housing of workmen at the stockyards were concluded today. Judge Brentano took the matter under advisement and said he would announce his decision tomorrow. Packers began active work today to put into effect a scheme to house their non-union employes in the old Hammond plant at Hammond. Ind., in the event of fallure to secure an injunction against the city.

Union pickets have now established a system of espionage extending entirely about the stock yards enclosure. Men are being stopped blocks away and warned against continuing work.

Jackson Thompson, a member of the track team of the University of Chicago. against continuing work.

Jackson Thompson, a member of the track team of the University of Chicago, who has been working for Morris & Co. in the shipping department during his vacation, has been assaulted and robbed while returning home from work. Two of his assailants have been arrested.

HURRICANE KILLS TWO.

Every Building in Willow Lakes, S. D., Is Wrecked.

Watertown, S. D., Aug. 23-A severe nurricane swept over a region in the northwest part of the state Sunday night.

me dead:
- ERICKSON, Willow Lakes.
MRS. H. SCHILLING, Bryant. The injured:
Mr. and Mrs. L. B. Smith, Willow akes, fatally.
Twenty-five, unknown, Willow Lakes; Twenty-five, unknown, Willow Lakes; ot seriously, Mrs. Schilling's son and daughter, Bry-nt; fatally.

Washington, Aug. 53.—Acting Secretary of State Adee has cabled Minister Conger at Pekin a request that he report as soon as possible the facts concerning the situation at Shanghal. A similar request has also been addressed to Consult General Goodnow at Shanghai, and Consul General Fowler at Chefoo. 3,500 KILLED.

and Federal Troops.

Buenos Ayres, Aug. 23.—There has been further fighting in the republic of Uruguaya. In a hand to hand fight between Uruguayan revolutionists and the government forces at Santa Rosa, held by the government force, 1,500 men were killed and 55 were wounded. The town eventually surrendered and the government troops retired by water. More of them were killed or drowned during the retreat and others sought refuge on an island belonging to Argentina.

TOPEKA HAD COOL WAVE. Mercury Dropped to 52 Degrees This Morning.

The mercury went down steadily last night until the minimum registered by the government thermometer early this morning was 52.

the government thermometer early this morning was 52.

The minimum temperatures over the state were low last night and the maximums for Monday were not so high. The maximum and minimum temperatures recorded for the 24 hours ending this morning at 7 o'clock were as follows: Baker 78-48 Osage City 76-49 Dodge City 76-38 Russell 76-48 Dresden 76-54 Sedan 71-54 Ft. Scott 75-50 Toronto 78-46 McPherson 72-52 Wichita 76-56 Manhattan 80-44 Today's corn and wheat region bulletin, issued by Director Jennings of the government bureau, says:

"Clear weather prevailed this morning in Kansas and western Missouri. The temperature is rising in western Kansas, but has fallen decidedly in the central and eastern Kansas and western Missouri. No showers have occurred in the district."

district."
The forecast for Kansas sent out today was: "Increased cloudiness and warmer tonight: Wednesday probably showers." The wind at noon was south, blowing ten miles an hour. The hourly temperatures recorded by the government thermometer were as follows:
7 o'clock .56:11 o'clock .72
8 o'clock .62:12 o'clock .74
9 o'clock .65:1 o'clock .74
10 o'clock .65:1 o'clock .74
Wind, 12 miles, from south at 2 p. m.

Kansas Team Not Making as High Scores as Some Others.

Kingman, Ariz. Aug. 23.—More than an inch of rain has fallen over this section doing great damage to rail and wagon roads. Santa Fe are reported from Powell, Franconia, Crozier, Truxton. Nelson and two miles south of here. The water is running so high at Truxton canon that no estimate of the damage are reported gone.

NO MORE FEAR.

All Democratic Editors Will Be Invited to Esopus.

San Francisco, Aug. 25.—The sailing of the Pacific Mail company's liner Manchuria for the Orient has been postponed until Thursday. The reason for the delay is the failure to get permission from Washington for the transfer to the Manchuria of the Chinese crew brought from the Orient on the Si-

The Manchuria will not call at Honeluiu. From here she goes direct to Yo-kohama. Of her 12,000 tons of cargo, more than half is for Japan and most of the Japanese freight consists of pro-visions, machinery and other articles which the Russians have declared to be ontraband of war, The Pacific Mail and Occidental and

Oriental Steamship companies have is-sued notice that after the departure of the liner Manchuria freight will be re-The greatest damage was done at Willow Lakes and Bryant.

At Willow Lakes, a small town in Hamlin county, every building was wrecked.

Big Crop, Says Webb. 3,500 KILLED.

Webb McNall says that the corn crop in north central Kansas will be the greatest in the history of the state. He says the cornfields in that region are a surprise, the big crop being due to timely rains, during the last month.

> Weather Indications. Chicago, Aug. 23.—Forecast for Kan-sas: Increasing cloudiness and warm-er tonight; Wednesday probably show-

Mrs. Caroline Boise Ely Dead. New York, Aug. 23.—Mrs. Caroline Boise Ely, a writer, is dead here, aged

Westbound Santa Fe Passenger Train Wrecked.

Goes Into Ditch at Midnight Near Topeka.

FIVE PEOPLE HURT. Two of Them Are Seriously In-

Sufferers Are Brought to Topeka Hospital.

jured.

All Traffic on the Line Is Blocked.

Westbound Santa Fe passenger train No. 17, due to arrive at Topeka at

injured. This is the third passenger train to be derailed within a week on the Santa Fe, and all near Topesa.

I. J. Curry, Kansas City, mail clerk. Paul Buckley, Kansas City, express nessenger, seriously injured.

M. Doing Great Dannage.

El Paso, Tex., Aug. 23.—The heaviest fitod of water that Silver City. N. M., has ever known, swept through the two mafter a severe cloud burst in the mountains above. No loss of lives has yet been reported, but it is believed at least fifty homes were washed away. As the flood came early in the evening, it is thought that every one was warned in time to escape.

The Santa Fe railroad is washed out in many places and seven bridges between Silver City and Whitewater are out. An arroyo 20 feet deep and a lundred feet wide runs through Silver City and this was overflowed. Many stores suffered considerable damage.

Much Damage in Arizona.

City block to the Kaw river. The first car to leave the track was fine and sent to Ottawa where they were set in one of the trains to California. The train had on board more than a hundred passengers and their escape from death was miraculous. The train had on board more than a hundred passengers and their escape from death was miraculous. Aside from being shaken up considerable to the track but at least a dozen feet from the rails.

The forward express and baggage to the track but at least a dozen feet from the rails.

The train had on board more than a hundred passengers and their escape from death was miraculous. Aside from being shaken up considerable with the scape from death was miraculous. Aside from being shaken up considerable was miraculous. The doors of the cars were not appeared to the track was miraculous. The train had on board more than a hundred passengers and their escape from death was miraculous. Aside from being shaken up considerable was miraculous. As the flood came early in the even washed away. The express car rolled completely over once and remained standing alternative from him and sent to Ottawa where they were set in one of the trains to California. The train had on board more than a hundred passengers and their escape from death was miraculous. Aside from being shaken up considerable from being state of Sonora.

The doors of th

hospital until he turned the car over

this car was thrown upward in the air and out to the right of the track still farther than the first express car. It is at right angles with the track, but is on the outside of the smoking car. The front end of the express car is at least eighty feet from the track and is outside the fence of the right

and is outside the fence of the right of way.

Behind the smoking care are the two day coaches, and behind the day coaches was the one chair car.

The smoker and two day cars were at least 12 feet from the track, but as the chair car did not get far away it was hauled back onto the track by an engine at 11 o'clock today. The trucks of the chair cars were not so badly damaged as they were scraped from their places as the cars tore and plowed their way through the rock and dirt to the side of the track. Three pairs of trucks are caught in a heap underneath the front end of a single car.

On the right hand side, the cars are embedded into the earth from two to four feet. All the steps to the platforms are torn away and the steel rods and braces and pipes were torn and bent like paper.

With the exception of the crushing of

Fe, and all near Topeks.

The escape from death for the passengers in each instance has been miraculous. This accident is perhaps the most remarkable of the three.

The injured:

I. J. Curry, Kansas City, mail clerk.

With no loss of life,

The track was torn up for a distance secret of her presence on board and to work at once this morning and at noon the gap was supplied with new rails. The old ones were twisted and bent so that they could not be used.

With the assistance of the wrecking crane all the trucks and debris near the track was torn up for a distance of the r presence on board and appeared frequently about the decks and saloon, few were aware of her presence on board and noon the gap was supplied with new rails. The old ones were twisted and bent so that they could not be used.

With the assistance of the wrecking crane all the trucks and debris near the track was torn up for a distance of the presence on board and appeared frequently about the decks and saloon, few were aware of her presence on board and noon the gap was supplied with new rails. The old ones were twisted and bent so that they could not be used.

With the assistance of the wrecking crane all the trucks and debris near the track were cleared away and trains are track were cleared away and trains are viewed, but gave out the following passing the scene of the wreck this statement afternoon. "I regre

a light lunch, which was served at the firing points.

Major General John C. Bates, commanding the northern division, who arrived in the afternoon, went directly to the range and remained until the firing was completed. He visited every team and inspected their scores. The shooting was at 200 and 600 yards, slow fire and 200 and 500 yards, rapid fire. The following is the standing of the teams representing the different states with their scores of possible 2,400:

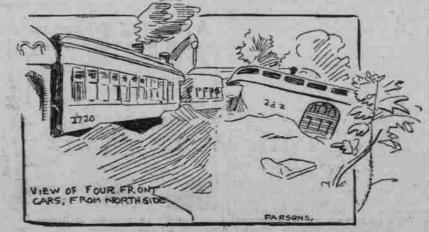
The only person said to be seriously hurt is the negro tramp who was riding on the blind baggage.

The train was in charge of Conductor Colbert and Engineer Hoveland, and at the time the train left ward I grabbed a post in the partition and held on. The stuff piled in the car was pitched forward I grabbed a post in the partition and held on. The stuff piled in the car was pitched forward I grabbed a post in the partition and held on. The stuff piled in the forward end, and it not been for the fact that I was thrown to the forward end, and it not been for the fact that I was thrown to the forward end, and it not been for the fact that I was thrown to the forward end, and it not been for the fact that I was thrown to the forward end, and it not been for the fact that I was thrown to the forward end, and it not been for the fact that I was thrown to the forward end, and it not been for the fact that I was thrown to the forward end, and it not been for the fact that I was thrown to the forward end, and it not been for the fact that I was thrown to the forward end, and it not been for the fact that I was thrown to the forward end, and it not been for the fact that I was thrown to the forward end, and it not been for the fact that I was thrown to the forward end, and it not been for the fact that I was thrown to the forward end, and it not been for the fact that I was thrown to the forward end, and it not been for the fact that I was thrown to the forward I was thrown to the

(Continued on Page Six.)



CENTRE OF TRAIN FROM SOUTH.



to another express company employe. The second express car in the train was in charge of Messenger J. D. Cassidy of Kansas City. The front of HAS RETURNED.

Lands at New York From the Steamer Faderland.

She Made the Voyage Under an Assumed Name.

EXPRESSES GRATITUDE

For the Way in Which Her Countrymen Stood by Her.

Will Visit Her Old Home at Mobile, Ala.

New York, Aug. 23 .- On board the Red Star line steamer Varderland No. 17, due to arrive at Topeka at 12 o'clock midnight, was detailed on a curve two miles east of Tecumseh, shortly before midnight last night.

The entire train went into the ditch, only the engine remaining on the track.

No people were killed and but five injured. which arrived today from of the cars or the windows.

It is hard to comprehend how the train could undergo such an accident with no loss of life.

was not designed to evade official inquiry, but merely to avoid annoying train could undergo such an accident with no loss of life.

passengers. While she made no

"I regret that the state of my health Lynn Maddux, negro tramp, both legs and knees broken.

Mrs. I. Scriopeki, 309 Quincy street, Topeka, knee bruised.

Mrs. R. B. Perkins, Hutchinson, Kansas, chest bruised.

The only person said to be seriously burt is the negro tramp who was rid, burt is the negro tramp who was rid, burt is the negro tramp who was rid, burt the least. He accounts for this fact by being in the rear of the car which the accident occurred.

To a reporter for the State Journal who wisted the wreck this morning he hurt is the negro tramp who was rid. my behalf, and I take this means of expressing my everlasting gratitude as well as words can, and also to thank them for their congratulations on my release, which I regret I have not been able personally to acknowledge. As my mother was not able to accompany me, I came over under the protection of Mr. Hayden, my attorney, and his wife.

"I am assured by my English physician and by Dr. Wilmer, of Washington, D. C., who prescribed for me during the voyage, that quiet and mental rest in time will restore my health.

New York. Aug. 23.—Senator Platt said today that he had received a letter from Elihu Root declining to be the Republican nominee for governor. "I received Mr. Root's letter two days ago," said Senator Platt. "As far as I am concerned it settles the question. I don't believe that his being the nominee of the party is in the range of possibility now. He writes me that he will not accept if he is nominated, and nothing could be more positive or final. I am in favor of an open convention. Governor Odell says that he is. Of course, we all have our preferences, but I do not believe our preferences, but I do not believe the candidate will be selected until the convention assembles in Saratoga."

TALK OVER THE WAR.

The President and Senator Lodge in Conference.

Oyster Bay, L. I., Aug. 23 .- Prestdent Roosevelt's first conference dur-ing his present sojourn at Sagamore Hill was with Senator Henry Cabot Lodge, of Massachusetts, who arrived here shortly before midnight. They e shortly before midnight. They nt the greater part of the day to-

The president took up with Senator The president took up with Senator Lodge, who is a member of the senate committee on foreign relations, the state of affairs in the far east and the United States' relation to it. No apprehension is felt by them that, through any probable development, America will be drawn into the war struction. The president and his cabsituation. The president and his cab-inet some time ago determined on a line of policy to be followed and this will be adhered to.

Clothier Plays Best Tennis. Newport, R. I., Aug. 23.—In the national tennis championship matches here today, Clothier gereated Larned in the semi-finals, three sets to two. The score was 6-4, 3-6; 2-6, 6-2, 6-.

Another Cannon in Maine. New York, Aug. 23.—Former Sena-tor Frank J. Cannon of Uiah will speak for the Democratic ticket in Maine during the campaign.

(Continued on Page Six.)